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**COMMISSIONERS**  
TOM FORESE - Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD DUNN



**ARIZONA CORPORATION  
COMMISSION**

Direct Line: (602) 542-3933  
Fax: (602) 542-5560  
E-mail: forese-web@azcc.gov

Arizona Corporation Commission

**DOCKETED**

May 11, 2017

**MAY 11 2017**

DOCKETED BY  
*Tom Forese*

Dear Commissioner Burns:

Re: APS Dockets E-01345A-16-0036 & E-01345A-16-0123

I received an email from you on Tuesday May 9th, 2017 requesting an "urgent" Staff Meeting be held regarding various motions relating to the Arizona Public Service Company (APS) rate case (Docket No. E-01345A-16-0036/E-01345A-16-0123).

After having inquired of all the Commissioner's offices, no Commissioners are available on the dates that you have suggested (see attached). Due to the proximity of the dates suggested and Commissioner's schedules we will need to seek alternative dates. My office will continue to work with all offices to secure a time when Commissioners are available.

Sincerely,

*Tom Forese*  
Tom Forese  
Chairman

RECEIVED  
AZ CORP COMMISSION  
DOCKET CONTROL  
2017 MAY 11 A 10: 51

## Brandon Nelson

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**From:** Bob Burns  
**Sent:** Tuesday, May 09, 2017 5:11 PM  
**To:** Tom Forese  
**Cc:** Bob Burns; Ted Vogt; Brandon Nelson  
**Subject:** Staff Meeting Request

Dear Chairman Forese:

I have urgent matters that need to be addressed by the Commission by early next week at the latest. Thus, I am requesting that you schedule a Staff Meeting as soon as possible and propose the following dates as options:

Thursday, May 11, 2017 - anytime

Monday, May 15, 2017 – anytime

Tuesday, May 16, 2017 -- anytime

Here is the proposed Staff Meeting language:

Commission consideration, discussion, and possible vote related to Commissioner Burns' motions filed in the APS Rate Case Docket Nos. E-01345A-16-0036, E-01345A-16-0123: (1) EMERGENCY MOTION OF COMMISSIONER ROBERT BURNS FOR RELIEF (1) CONFIRMING THAT THE ADMINISTRATIVE LAW JUDGE WILL FACILITATE CALLING AND QUESTIONING OF HEARING WITNESSES; AND (2) APPROVAL OF HIS COUNSEL TO PARTICIPATING IN QUESTIONING (EXPEDITED RULING AND SUSPENSION AND CONTINUANCE OF HEARING REQUESTED) (filed 4-26-17); and (2) COMMISSIONER BURNS' MOTION FOR DETERMINATION OF DISQUALIFICATION AND FOR STAY OF PROCEEDINGS PENDING FULL INVESTIGATION (EXPEDITED RULING REQUESTED) (filed 4-27-17). Consideration to include discussion of impact of pending request for determination of disqualification on authority of various Commissioners to act on the motions.

Although I do not believe it is necessary or appropriate for the Commission as a whole to rule on my motions in the APS rate case, particularly because the motions raise issues concerning disqualification of Commissioners from participating in the APS rate case, the Administrative Law Judge has declined to rule on my motions, and stated she would defer to the Commission to address the matters detailed in the pending motions. This request for a Staff Meeting does not constitute any agreement or concession that such action is legally required or a prerequisite to me seeking any other relief, including through the courts. Given the timeline in the APS rate case, an expedited Staff Meeting concerning my motions is required in the hopes it will facilitate properly arranging for the relief and action I have requested by my motions without having to seek court intervention. I appreciate your accommodation of this urgent timeline and know this is not the first time the Commission has scheduled a Staff Meeting with short notice to accommodate urgent requests. As you know, Commissioners always have the option to call into meetings if they cannot be present in person. Therefore, I request you schedule this Staff Meeting by next Tuesday, May 16, 2017. If you do not plan to schedule this meeting, please let me know via a response to this email right away. If there is not a meeting scheduled to discuss these matters as requested by early next week, it will be necessary for me to seek judicial relief. Thank you for your consideration.

Sincerely,  
Bob

## CERTIFICATION OF SERVICE

On this 11TH day of MAY, 2017, the foregoing document was filed with Docket Control as CORRESPONDENCE FROM CHAIRMAN TOM FORESE and copies of the foregoing were mailed on behalf of the Chairman to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link of the foregoing document to the following who have consented to email service.

**E-01345A-16-0036 & E-01345A-16-0123**

Matthew E. Price  
JENNER & BLOCK  
1099 New York Avenue, NW, Suite 900  
Washington District of Columbia 20001-4412

Thomas Jernigan  
Federal Executive Agencies  
U.S. Airforce Utility Law Field Support Center  
139 Barnes Drive, Suite 1  
Tyndall Air Force Base Florida 32403  
thomas.jernigan.3@us.af.mil  
ebony.payton.crt@us.af.mil  
andrew.unsicker@us.af.mil  
lanny.zieman.1@us.af.mil  
natalie.cepak.2@us.af.mil  
**Consented to Service by Email**

Kurt Boehm  
BOEHM, KURTZ & LOWRY  
36 E. Seventh St. Suite 1510  
Cincinnati Ohio 45202

Nicholas J. Enoch  
LUBIN & ENOCH, PC  
349 N. Fourth Ave.  
Phoenix Arizona 85003

Richard Gayer  
526 W. Wilshire Dr.  
Phoenix Arizona 85003  
rgayer@cox.net  
**Consented to Service by Email**

T. Hogan  
ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST  
514 W. Roosevelt Street  
Phoenix Arizona 85003

Timothy J. Sabo  
SNELL & WILMER, LLP  
One Arizona Center  
400 East Van Buren, 19th Floor  
Phoenix Arizona 85004  
tsabo@swlaw.com  
jhoward@swlaw.com  
docket@swlaw.com  
pwalker@conservamerica.org  
**Consented to Service by Email**

Michael Patten  
SNELL & WILMER, LLP  
One Arizona Center  
400 East Van Buren Street  
Phoenix Arizona 85004  
mpatten@swlaw.com  
jhoward@swlaw.com  
docket@swlaw.com  
BCarroll@tep.com  
**Consented to Service by Email**

Jason Moyes  
MOYES SELLERS & HENDRICKS  
1850 North Central, Suite 1100  
Phoenix Arizona 85004  
JasonMoyes@law-msh.com  
jimoyes@law-msh.com  
jim@harcuvar.com  
**Consented to Service by Email**

Thomas A Loquvam  
PINNACLE WEST CAPITOL CORPORATION  
400 N. 5Th St, MS 8695  
Phoenix, Arizona 85004  
Thomas.Loquvam@pinnaclewest.com  
Thomas.Mumaw@pinnaclewest.com  
Melissa.Kreuger@pinnaclewest.com  
Amanda.Ho@pinnaclewest.com  
Debra.Orr@aps.com  
prefo@swlaw.com  
**Consented to Service by Email**

Albert H. Acken  
One N. Central Ave Ste 1200  
Phoenix Arizona 85004  
aacken@rcalaw.com  
ssweeney@rcalaw.com  
slofland@rcalaw.com  
jjw@krsaline.com  
**Consented to Service by Email**

Timothy M. Hogan  
ARIZONA CENTER FOR LAW IN THE PUBLIC  
INTEREST  
202 E. McDowell Rd. - 153  
Phoenix Arizona 85004  
schlegelj@aol.com  
ezuckerman@swenergy.org  
bbaatz@aceee.org  
briana@votesolar.org  
thogan@aclpi.org  
ken.wilson@westernresources.org  
cosuala@earthjustice.org  
dbender@earthjustice.org  
cfitzgerrell@earthjustice.org

### **Consented to Service by Email**

Cynthia Zwick  
ARIZONA COMMUNITY ACTION  
ASSOCIATION  
2700 N. Third St. - 3040  
Phoenix Arizona 85004  
czwick@azcaa.org  
khengehold@azcaa.org  
**Consented to Service by Email**

Daniel Pozefsky  
RUCO  
1110 West Washington, Suite 220  
Phoenix Arizona 85007

Greg Patterson  
MUNGER CHADWICK  
916 W. Adams Suite 3  
Phoenix Arizona 85007

Andy Kvesic  
ARIZONA CORPORATION COMMISSION  
Director- Legal Division  
1200 West Washington  
Phoenix Arizona 85007  
LegalDiv@azcc.gov  
utildivservicebyemail@azcc.gov  
MScott@azcc.gov  
CHains@azcc.gov  
WVanCleve@azcc.gov  
TFord@azcc.gov  
EVanEpps@azcc.gov  
CFitzsimmons@azcc.gov  
KChristine@azcc.gov  
EAbinah@azcc.gov  
**Consented to Service by Email**

Anthony Wanger  
IO DATA CENTERS, LLC  
615 N. 48th St  
Phoenix Arizona 85008  
Meghan H. Grabel  
OSBORN MALEDON, PA

2929 N. Central Avenue Suite 2100  
Phoenix Arizona 85012  
mgrabel@omlaw.com  
gyaquinto@arizonaic.org  
**Consented to Service by Email**

Giancarlo Estrada  
KAMPER ESTRADA, LLP  
3030 N. 3rd Street, Suite 770  
Phoenix Arizona 85012  
gestrada@lawphx.com  
kfox@kfwlaw.com  
kcrandall@eq-research.com  
**Consented to Service by Email**

Mary R. O'Grady  
OSBORN MALEDON, P.A.  
2929 North Central Aveue, 21st Floor  
Phoenix Arizona 85012  
Scott S. Wakefield  
HIENTON & CURRY, PLLC  
5045 N 12th Street, Suite 110  
Phoenix Arizona 85014-3302  
swakefield@hclawgroup.com  
mlougee@hclawgroup.com  
Stephen.chriss@wal-mart.com  
Greg.tillman@walmart.com  
chris.hendrix@wal-mart.com  
**Consented to Service by Email**

Garry D Hays  
LAW OFFICES OF GARRY D. HAYS, PC  
2198 East Camelback Road, Suite 305  
Phoenix Arizona 85016  
ghays@lawgdh.com  
**Consented to Service by Email**

Patrick J. Black  
FENNEMORE CRAIG, P.C.  
2394 E. Camelback Rd, Ste 600  
Phoenix Arizona 85016  
wcrocket@fclaw.com  
pblack@fclaw.com  
[khiggins@energystrat.com](mailto:khiggins@energystrat.com)

John William Moore, Jr.  
MOORE BENHAM & BEAVER, PLC  
7321 N. 16th Street  
Phoenix Arizona 85020

Tom Harris  
ARIZONA SOLAR ENERGY INDUSTRIES  
ASSOCIATION  
2122 W. Lone Cactus Dr. Suite 2  
Phoenix Arizona 85027  
Tom.Harris@AriSEIA.org  
**Consented to Service by Email**

Craig A. Marks  
CRAIG A. MARKS, PLC  
10645 N. Tatum Blvd.  
Suite 200-676  
Phoenix Arizona 85028  
Craig.Marks@azbar.org  
Pat.Quinn47474@gmail.com  
**Consented to Service by Email**

Ann-Marie Anderson  
WRIGHT WELKER & PAUOLE, PLC  
10429 South 51st Street, Suite 285  
Phoenix Arizona 85044  
aanderson@wwpfirm.com  
sjennings@aarp.org  
aallen@wwpfirm.com  
john@johncoffman.net  
**Consented to Service by Email**

Dennis M. Fitzgibbons  
FITZGIBBONS LAW OFFICES, PLC  
P.O. Box 11208  
Casa Grande Arizona 85230  
denis@fitzgibbonslaw.com  
**Consented to Service by Email**

Court S. Rich  
ROSE LAW GROUP, PC  
7144 E. Stetson Drive, Suite 300  
Scottsdale Arizona 85251  
crich@roselawgroup.com  
hslaughter@roselawgroup.com  
cledford@mcdonaldcarano.com  
**Consented to Service by Email**

Thomas E. Stewart  
GRANITE CREEK POWER & GAS/GRANITE  
CREEK  
FARMS  
5316 East Voltaire Avenue  
Scottsdale Arizona 85254-3643  
tom@gcfaz.com  
**Consented to Service by Email**

Greg Eisert  
SUN CITY HOME OWNERS ASSOCIATION  
10401 W. Coggins Drive  
Sun City Arizona 85351  
gregeisert@gmail.com  
steven.puck@cox.net  
**Consented to Service by Email**

Albert E. Gervenack  
SUN CITY WEST PROPERTY OWNERS &  
RESIDENTS  
ASSOCIAT  
13815 Camino Del Sol  
Sun City West Arizona 85375  
al.gervenack@porascw.org  
rob.robbins@porascw.org  
Bob.miller@porascw.org  
**Consented to Service by Email**

Patricia C. Ferre  
P.O. Box 433  
Payson Arizona 85547  
Lawrence V. Robertson, Jr.  
210 Continental Road, Suite 216A  
Green Valley Arizona 85622  
tubaclawyer@aol.com  
**Consented to Service by Email**

L. Robertson, Jr.  
210 Continental Road, Suite 216A  
Green Valley Arizona 85622  
Charles Wesselhoft  
Pima County Attorney's Office  
32 North Stone Avenue, Suite 2100  
Tucson Arizona 85701  
Charles.Wesselhoft@pcao.pima.gov  
**Consented to Service by Email**

Warren Woodward  
200 Sierra Road  
Sedona Arizona 86336  
w6345789@yahoo.com  
**Consented to Service by Email**

Robert Pickels, Jr.  
Sedona City Attorney's Office  
102 Roadrunner Drive  
Sedona Arizona 86336  
rpickels@sedonaaz.gov  
**Consented to Service by Email**

By:



Beth Soliere

Executive Aide to Chairman Tom Forese